REMARKS

Claims 1-26 remain pending in this application.

Of the pending claims, Claims 1, 7, 12-13, 15, 21-22 and 24-26 are independent claims.

Applicants have amended the specification to update the references to related applications.

A. ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for allowing Claims 15-20 and 25. Further, in section 6 of the current Office Action, the Examiner states that "Claims 8, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Applicants appreciate the Examiner's indication of allowable subject matter, however respectfully decline, at this time, to amend the claims as the Examiner suggests.

Applicants assert that, as explained below, independent Claims 7 and 22 are allowable. Because Claims 8 and 23 depend from these independent claims, repectively, Applicants submit that Claims 8 and 23 are allowable as originally filed. Thus, Applicants respectfully request that the Examiner withdraw the objections to Claims 8 and 23.

B. SECTION 103 REJECTIONS

The Office Action rejects Claims 1-7, 9-14, 22, 24 and 26 pursuant to 35 U.S.C. section 103(a) as being unpatentable over U.S. Patent No. 6,810,043 (Naven). In section 4 of the Office Action to reject Claims 1, 12, 22

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and 24, the Examiner appears to equate a first and second subqueue of the application with a master and slave calendar, respectively, of Naven. However, the present Application distinguishes a calendar data structure from a queue data structure. (Application, page 5, lines 29 to page 6, line 3). The queue data structure may include a plurality of subqueues having different respective ranges and resolutions. (Application, page 12, lines 15-17). Therefore, according to the Application, a calendar is different than a scheduling queue and subqueues included therein. For at least the reason above, Applicants respectfully submit that Claims 1, 12, 22 and 24, and Claims 2-6 and 23 which depend therefrom, are allowable.

Although a calendar is different than a scheduling queue and subqueues included therein, assuming *arguendo* a calendar could equate to a subqueue, the Applicants respectfully disagree with the Examiner's rejection of Claims 1, 12, 22 and 24 based on the Examiner's assertion that "It should be obvious to a person skilled in the art that the master calendar contains a first resolution and the slave calendar contains a second resolution that is less than the first resolution due to the definition of resolution that the applicant has provided." (Office Action, page 3, lines 11-14). More specifically, "resolution" is understood to mean the inverse of the distance increment that corresponds to each slot in the queue. (Application, page 8, lines 12-16). Further, as described in the Application

> In the particular example of FIG. 4, the lower resolution subqueue 54 has sixteen times the range and one-sixteenth of the resolution of the higher resolution subqueue 52. For example, each

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slot in the higher resolution subqueue 52 may
correspond to one distance unit <u>for enqueuing and
dequeuing purposes</u>, whereas each slot in the
lower resolution subqueue 54 may correspond to
sixteen distance units for <u>enqueuing and
dequeuing purposes</u>.

(Application, page 12, lines 24-31) (emphasis added).
Therefore, each slot may correspond to one or more distance
units for enqueuing and dequeuing purposes.

In contrast, "resolution" is meaningless in the slave
calendar 12 of Naven because entries do not appear to be
enqueued or dequeued from the slave calendar. Rather, as
described in column 11, lines 3-11 and lines 21-26 of
Naven, a next scheduling time (NST) of a block in a storage
location of the slave location may be compared with a
current time pointer T of a master calendar 1 and if the
difference between the stored NST and T is within the
scheduling range SR of the master calendar, calendar
control circuitry 24 determines from the NST the position
(storage location 2) at which a virtual channel (VC) should
be entered in the master calendar 1. Therefore, in
contrast to the Examiner's assertion, it appears the slave
calendar 12 cannot have a second resolution. Consequently,
Applicants respectfully submit that Claims 1, 12, 22 and 24,
and Claims 2-6 and 23 which depend therefrom, are
allowable.

In section 4 of the Office Action, to reject Claim 7
the Examiner states "Naven discloses scheduling circuitry
comprising a master calendar and a slave calendar in which
to schedule cell transmissions (a scheduler for a network
processor, the scheduler comprising a scheduling queue in
which flows are enqueued, Abstract). (Office Action, page
6, lines 1-4). Claims 13 and 26 are rejected in a similar

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manner. The Examiner appears to equate the scheduling queue of the application with the master and slave calendars of Naven. However, as stated above according to the Application, a calendar is different than the scheduling queue. For at least such reason, Applicants respectfully submit that Claims 7, 13 and 26, and Claims 8-11 and 14 which depend therefrom, are allowable.

As described above, although a calendar is different than a scheduling queue, assuming *arguendo* a primary and secondary calendar could equate to a scheduling queue, the Applicants respectfully disagree with the Examiner's rejection of Claims 7, 13 and 26 based on the assertion that "It should thus be obvious to incorporate the well known weighted fair queue technique (CP +(WF x FS)/SF) disclosed by the applicant into the scheduling circuitry to schedule <u>cell</u> transmissions including a master calendar and a slave calendar disclosed by Naven in order to effectively calculated the NST." (Office Action, page 7, lines 4-7) (emphasis added). More specifically, circuitry of Naven is explained in the context of an ATM network. In ATM, each cell is of the same size. More specifically, each cell has 53 bytes of 8 bits each. (Naven, col. 6, lines 43-50). Therefore, it appears that a <u>variable</u> FS for frame size would not be required for a formula to effectively calculate the NST as proposed by the Examiner. Thus, Applicants respectfully submit there is no suggestion or motivation to incorporate the weighted fair queue technique (CP +(WF x FS)/SF) disclosed by the applicants into the scheduling circuitry to schedule cell transmissions including a master calendar and a slave calendar disclosed by Naven in order to effectively calculate the NST as proposed by the Examiner. Consequently, Applicants

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respectfully submit that Claims 7, 13 and 26, and Claims 8-11 and 14 which depend therefrom, are allowable.

The Office Action rejects Claim 21 pursuant to 35 U.S.C. section 103(a) as being unpatentable over Naven in view of U.S. Patent No. 6,810,426 (Mysore). More specifically, in section 5 of the Office Action, to reject Claim 21 the Examiner appears to equate the master and slave calendars of Naven with the first and second subqueues, respectively, of a first scheduling queue in the application. (Office Action, page 13 line 18 to page 14, line 5). However, as stated above according to the Application, a calendar is different than the scheduling queue. Therefore, Applicants respectfully submit Naven does not appear to disclose "at least a first scheduling queue that includes at least a first subqueue and a second subqueue" as recited by Claim 21. Mysore does not appear to overcome the deficiencies of Naven. Consequently, Applicants respectfully submit that Claim 21 is allowable.

C.   CONCLUSION

Applicants believe all pending claims are in condition for allowance, and respectfully request reconsideration and allowance of the same. Applicants do not believe a Request for Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any other fees are due regarding this amendment. If any other fees are required, however, please charge Deposit Account

No. 04-1696. The Applicants encourage the Examiner to telephone Applicants' attorney should any issues remain.

Respectfully Submitted,

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